



A Safe, Affordable Home:
The Foundation of Opportunity

Testimony to The Housing Committee on Feb. 16, 2017
by David Fink, Consultant, Partnership for Strong Communities
In opposition to SB 535, HB 6880, HB 7057, & related bills

Rep. Butler, Sen. Slossberg, Sen. Hwang, Honorable Committee Members,

My name is David Fink, and I am a consultant and former policy director for the Partnership for Strong Communities, a statewide housing policy and advocacy organization that supports solutions to end homelessness, create supportive and affordable housing and build strong communities across the state.

I am here to strongly oppose weakening of the 8-30g statute and, therefore, respectfully oppose provisions in SB 535, HB 6880 and related bills. I understand they are well-meant by you and other sponsors, but I fear they would seriously damage or render ineffective a statute that has provided affordable homes for tens of thousands of Connecticut residents who, in its absence, would not have had the opportunities those homes have provided.

As you know, the need for affordable homes in high-resource communities is dire. CT has the nation's 6th highest median monthly housing costs. Those high costs (1) critically wound economic growth efforts, deterring young professionals, families and businesses from staying or locating in CT, and (2) burden 49% of renters and 30% of homeowners with housing costs exceeding 30% of their income. That is bad for them, robbing them of opportunity, and bad for the state's economy, robbing it of buying power.

On the other hand, 8-30g has not only provided affordable homes in communities with good schools, jobs, transit access and vital services, but also provided towns with a wider range of housing choices. I have quotes from public officials in such towns as Wilton, Newtown, New Canaan, Avon, Simsbury, Stonington, Berlin, S. Windsor and Farmington – which I am happy to share – who say 8-30g has brought them beneficial housing developments and new residents who have contributed mightily to their communities.

"We're happy they're here. And we look forward to more affordable housing and more families that become a part of our community in the future," Pat Llodra, First Selectman, Town of Newtown, said to me.

8-30g has spurred towns to create the housing that the market is demanding. Many towns – and I know this because I have visited them – are strangling themselves because they have failed to give the market the smaller, denser, more affordable homes -- walkable to services or transit -- that Baby Boomers, Millennials, workers and young families now want. So

many towns have a huge surplus of single-family homes, and not enough affordable multifamily homes, that the real property grand lists in 154 of 169 municipalities have flattened or fallen between 2008 and 2014, according to the latest figures available from OPM. Home prices since 2014 indicate that trend continues, a very dangerous trend in a time of shrinking municipal aid. Without a variety of housing choices, those towns are like auto dealers with only luxury cars and SUVs, no compacts, subcompacts, mid-size or crossover vehicles. Few buyers come to those towns and values fall.

Yet towns that have proactively created a wider range of housing choices have healthier grand lists and a wider range of residents, consumers, shoppers and volunteers. Newtown, Simsbury, Brookfield and other towns have thoughtfully, reasonably, proactively worked with developers on friendly 8-30g projects or other mixed-income developments.

Meanwhile, the 8-30g statute is workable in another important way: many towns have achieved moratoriums under 8-30g. Berlin has gotten 2, Darien has gotten 2, and Trumbull's gotten 2. Ridgefield, Wilton and Farmington have also succeeded. Several others are close, including New Canaan. Why have they succeeded? Because they have made a thoughtful, focused effort.

As I hope you know, the Partnership has helped many of those communities and would be very happy to help any others seeking data, tools or referrals. We believe towns can control their housing creation in a positive way by being proactive.

At the same time, however, we fear proposals made in these bills will have the unintended consequence of severely limiting, or mortally wounding, the 8-30g statute. The Partnership, therefore, cannot support them.

Among them – and I am happy to answer your questions about them – are:

- Increasing the affordable set-aside: *It would make it much more difficult to profitably develop 8-30g projects. As it is, if land costs are too high, the current 30% set-aside makes those projects unprofitable and, thus, undoable.*
- Creating a 3-person panel to hear appeals: *The history of the statute has produced guideposts, through case law and municipal rulings, that have shown the current appeals process to be reasonable. Judges have ruled in favor of towns when they are reasonable, and against them when they haven't been.*
- Limiting 8-30g developments to projects of 25 units or larger: *In many towns and locations, smaller projects are viable and appropriate to their surroundings, including those related to Transit-Oriented Development and walkable communities proximate to services and other resources. This would damage the statute and reduce housing opportunities for many people in many communities.*
- Requiring a fixed % of open space in affordable housing developments: *While good design and use of such configurations as cluster housing can make higher density levels extremely attractive, arbitrary requirements for open space can make projects unprofitable and, thus, unbuildable.*
- Giving more moratorium points for elderly units and units for the disabled: *The statute was not created to further production of units for the elderly or people with disabilities because towns typically don't oppose or exclude them. It was designed to further production of units for low- and moderate-income people. This proposal would dilute the intent and vital goal of this statute.*
- Increasing the moratorium period or lowering the point threshold for a moratorium: *Towns have had 26 years to collect points. Why is it fair to move the goalposts for a first moratorium?*

- Giving credit for market-rate units that are said to be “affordable”: *The question always comes down to “affordable for whom.” Unless there is a restriction that ensures a unit is affordable for someone at a defined income level, it’s hard to know who can afford a unit. There are tiny, tiny, tiny units – often with no elevators and old bathrooms and kitchen figures – that are, in hot housing markets, well beyond the means of people making 200% of the median income. Two years ago, I heard a planner saying his town had market-rate homes that are affordable. When asked about the price, he said \$250,000. I would say that price is “unaffordable” to many who need an affordable home.*
- Giving credit, points or exemptions for towns that create a plan, or a zone: *The only product deserving of credit is an actual unit of housing. Zones can be rescinded, and plans can sit on the shelf collecting dust.*
- Requiring a certificate of appropriateness for developments that contain registered buildings or are located within a ¼ mile of a structure identified as historic: *The developments in most (if not all) town centers would face this potentially arbitrary hurdle and block development in TOD sites and push developments out of areas with adequate infrastructure. Plus, as I understand the law, historic commissions can protect those buildings.*
- Changing the burden of proof to applicant on appeals based on design guidelines: *The standards could, again, become arbitrary hurdles and changing the burden of proof would upend the statute.*

Again, the Partnership for Strong Communities strongly opposes any weakening of the 8-30g statute. Unfortunately, we believe that would be the result if these provisions were enacted. I am happy to answer any questions you have. Thank you for the opportunity to testify today.